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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 vs.
14 DONALD E. LOPEZ,
15 Defendant.

CASE NO. 12cr4033-LAB-1

**ORDER DENYING MOTION TO
TERMINATE SUPERVISED RELEASE**

[Dkt. No. 40]

16 On February 4, 2013, this Court sentenced Defendant Donald E. Lopez to 57
17 months of imprisonment and three years of supervised release after he pled guilty to tax
18 evasion in violation of 26 U.S.C. § 7201. Dkt. No. 37. Lopez has now filed a motion to
19 terminate supervised release after completing just one year of supervision.

20 A district court has broad discretion to terminate a term of supervised release and
21 discharge a defendant “at any time after the expiration of one year of supervised release
22 . . . if it is satisfied that such action is warranted by the conduct of the defendant released
23 and the interest of justice.” 18 U.S.C. § 3583(e)(1); *see also United States v. Emmett*,
24 749 F.3d 817, 819 (9th Cir. 2014). “Occasionally, changed circumstances—for instance,
25 exceptionally good behavior by the defendant or a downward turn in the defendant’s
26 ability to pay a fine or restitution imposed as conditions of release—will render a
27 previously imposed term or condition of release either too harsh or inappropriately tailored
28 to serve the general punishment goals of section 3553(a).” *United States v. Miller*, 205

1 F.3d 1098, 1101 (9th Cir. 2000) (quoting *United States v. Lussier*, 104 F.3d 32, 36 (2nd
2 Cir.1997)). It is the defendant's burden to establish that he is entitled to early termination
3 of supervised release. *United States v. Weber*, 451 F.3d 552, 559 fn.9 (9th Cir. 2006).

4 Lopez claims that because he has successfully completed one year of supervision,
5 his good behavior warrants early termination of supervised release. Dkt. No. 40. But
6 compliance with release conditions is what is expected and does not of itself constitute
7 changed circumstances justifying early termination. See *United States v. Bauer*, No.
8 5:09-cr-980, 2012 WL1259251, at *2 (N.D. Cal. Apr. 13, 2012) ("While the court does not
9 wish to minimize Defendant's laudable post-incarceration accomplishments, it is
10 nonetheless apparent that the reasons cited by Defendant-compliance with release
11 conditions, resumption of employment and engagement of family life-are expected
12 milestones rather than a change of circumstances rendering continued supervision no
13 longer appropriate."); *United States v. Grossi*, No. 04-40127, 2011 WL 704364, at *2 (N.D.
14 Cal. Feb. 18, 2011) ("Mere compliance with the terms of supervised release is what is
15 expected, and without more, is insufficient to justify early termination."); see also *United*
16 *States v. Weintraub*, 371 F.Supp.2d 164, 167 (D. Conn. 2005) ("Although Weintraub's
17 ongoing and full compliance with all conditions of supervised release, including payment
18 of the fine and restitution, is commendable, in the end that is what is required of all criminal
19 defendants and is not a basis for early termination of his supervised release."). After
20 consideration of the statutory factors, the Court finds that termination of Lopez's
21 supervised release is premature and that the previously imposed period of supervision
22 remains appropriate given the serious nature of his underlying offense. Although Lopez
23 has complied with the terms of his supervised release so far, he has not shown any
24 changed circumstances that render the Court's conditions of release too harsh or
25 inappropriate to serve the general goals of § 3553(a). Nor has he demonstrated any good

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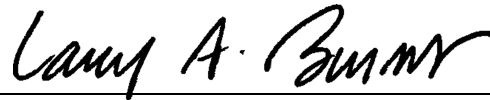
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1 reason for the Court to disregard the important interest in finality of judgment. In short,
2 Lopez has not demonstrated that early termination of supervised release is justified. His
3 Motion is **DENIED**.

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5 **IT IS SO ORDERED.**

6 Dated: November 7, 2019



HONORABLE LARRY ALAN BURNS
Chief United States District Judge